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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION**

**CONCERNED FRIENDS OF THE WINEMA,
KLAMATH-SISKIYOU WILDLANDS CENTER,
WESTERN WATERSHEDS PROJECT,
OREGON WILD, and CENTER FOR
BIOLOGICAL DIVERSITY,**

Plaintiffs,

v.

**U.S. FOREST SERVICE, and U.S. FISH AND
WILDLIFE SERVICE,**

Defendants,

Case No. 1:14-cv-737-CL

**THIRD DECLARATION OF
THERESA L. SIMPSON**

In Support of Plaintiffs' Opposition to
Defendants' Motion to Dissolve
Injunction

I, Theresa L. Simpson, declare:

1. My name is Theresa L. Simpson, and I reside in Crescent, Oregon. I personally know the following facts, and if called as a witness I would and could truthfully testify thereto.

2. On June 4, 2018, I spent about 5 hours visiting the Antelope Allotment to look at conditions on the North Sheep, Jack Creek 4, Jack Creek 1 and Chemult Pastures. I observed water levels in fens, and Oregon spotted frog habitat, and fence and water development conditions. On June 5, 2018, I returned to the Antelope Allotment and spent 6 hours on the Jack Creek 1, Jack Creek 2 and Chemult Pastures looking at exclosures, water levels and infrastructure conditions.

3. Prior to these recent visits, I became familiar with the fences, water developments, fens, and pastures on the Antelope Allotment over a period of 27 years. During and after my work as a Biologist for the Fremont-Winema National Forest, I have worked on projects within, and visited, the Antelope Allotment and surrounding area. While employed with the Forest Service, I worked on multiple interdisciplinary teams analyzing and implementing projects for timber sales, riparian improvement, and Oregon spotted frog habitat improvement. I also helped design, build and maintain nine fences for resource protection at Jack Creek, Round Meadow, Squirrel Camp, Cannon Well, Dry Meadow, Sproats Meadow, Wilshire Meadow, Johnson Meadow and Rider's Camp, and water developments at Squirrel Camp, Dry Meadow, Sproats Meadow, Johnson Meadow and Wilshire Meadow. Since my retirement, I led two beaver relocation efforts into Jack Creek. Every year, I also run camera lines photographing wildlife throughout the area from June through October and spend several days hiking and snowmobiling looking for wildlife in the area.

Fences

4. I found the following pasture boundary fences in various states of disrepair and many with extensive damage, such as broken or sagging wires, sunken or leaning posts, trees on the fence or other problems that could allow cattle to pass through easily: 1) between the North Sheep Pasture and the Chemult Pasture by roads 88, 8829, and 8802; 2) between the Tobin and Chemult Pastures by Road 8850 RD and the Rock Springs gate; 3) between the Chemult and North Sheep pastures at Road 8821 down to the south end of Pasture 4 fence (the national forest portion of lower Jamison Meadow); and between Jack Creek pastures and Chemult Pasture (aka frog fence) by Road 9418. Along each of these fence sections, I found multiple problems in multiple sections. Damage was extensive enough to allow cattle to pass through easily at all boundary fences I visited. I did not observe that any maintenance or repairs had begun on these fences.

5. The following photo shows the Boundary fence between the Chemult Pasture and North Sheep Pasture down with a broken H brace and all four wires on the ground at the cattleguard on Road 8829.



6. The following photo shows the fence between Jack Creek pastures and Chemult Pasture (aka frog fence) with broken, unclipped and sagging wires on the fence at cattleguard on Road 9814:



7. I found that the following existing exclosure fences were in various states of disrepair, or were let down, without evidence of recent maintenance: 1) Round Meadow; 2) Cannon Well; 3) Wilshire Meadow; 4) Squirrel Camp; 5) Johnson Meadow; and 6) Dry Meadow. I also observed that a new Crooked Meadow fen exclosure fence has not been built.

8. The following photo shows broken, sagging wires on the Dry Meadow exclosure fence in the Chemult Pasture:



9. I have reviewed the Forest Service's authorization documents (ROD Attachment 1 page 7, Table 5 in Appendix A; Maps 16 and 17 of the FEIS; BiOp page 4; and BA page 19) that claim there is an existing fence to maintain on the west side of Jack Creek and a new cross fence would be constructed between Jack Creek Pastures 1 and 2. I did not observe either of these fences in either of these locations during my visits. I did not see any sign of new fence construction along the west side of the North Sheep Pasture either.

Water developments

10. I found water developments were in various states of disrepair, such as holes in troughs, broken pipes, spring box problems, and were not ready for use without serious maintenance or reconstruction in the following areas: 1) Cabin Springs; 2) Dry Meadow; 3) Wilshire Meadow; 4) Sproats Meadow; 5) Johnson Meadow; and 6) Huckleberry Spring. One water development needed lighter maintenance, such as unclogging sediment in pipes or spring boxes, in the Squirrel Camp area, which had a spring box filled with sediment.

11. The following photo in the Chemult Pasture shows a broken valve/stream of water draining the fen at the unmaintained Sproats Meadow trough:



12. In the recent past, I have observed blue water troughs scattered throughout the Chemult Pasture filled by water trucks to provide supplemental water sources and disperse cattle. However, I found none of these troughs during my recent visits.

13. In my opinion, it will take significantly more time and effort to complete fence and water development maintenance than a typical year due to two winters without maintenance. In particular, the heavy snowpack in the winter of 2016-2017 brought down many more trees onto the fences, and damaged posts and wires more than light or normal winters across the entire project area.

Water conditions

14. According to the USDA Oregon Drought Monitor website (<https://www.drought.gov>), as of May 29, 2018, the Antelope Allotment Project area has progressed deeper into drought from abnormally dry to moderate drought intensity. The Late

summer projection calls for intensifying drought. In March 2018, Governor Kate Brown declared a drought emergency in Klamath County, <https://www.oregon.gov/newsroom/Pages/NewsDetail.aspx?newsid=2630>, which includes the Chemult and North Sheep Pastures.

15. I found low water conditions for this time of year everywhere. There was no flow out of the Huckleberry fen into Little Round Meadow, which is atypical for this time of year. The Rock Springs pond was about 2 feet lower than it is typical for this time of year with no outflow into the meadow. Sellers Creek is typically flowing over its banks this time of year, but was only a trickle coming through the culvert at the Road 9405 crossing. Sellers Creek did not flow to Sellers Marsh during the spring runoff, which is unusual. In Cannon Meadow, the pond was less than half full even though it would typically be overflowing this time of year. Johnson Meadow pools in front of the old guard station were dry, even though there would still be water there in a typical year. In Squirrel Camp, Crooked and Dry Meadows, the water chances (a dugout for cattle to drink water from), were not overflowing into the meadows as they typically would this time of year.

16. The following photo shows the water chance in the fen is nearly empty at Squirrel Camp in the Chemult Pasture:



17. I found abnormally low water levels for this time of year within Oregon spotted frog habitat in the Davis Flat/Yellowjacket reaches on the North Sheep Pasture, just below Pasture 4 and the top end of Pasture 1. Flow has stopped in Jack Creek below the Davis Flat bridge earlier than normal this year isolating Oregon spotted frogs in remnant pools in the Yellowjacket reach. Water levels in these isolated pools have already dropped over a foot this spring. I found no off channel standing water in potential breeding habitat along Jack Creek below the Pasture 4 fence (the national forest portion of lower Jamison Meadow). Typically this time of year there would be standing water in the meadow up to a foot deep in much of this area.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this ___11th___ day of June, 2018 at Crescent, Oregon.

/s/Theresa L. Simpson

Theresa L. Simpson